

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

**VERIFIED COMPLAINT FOR VIOLATION OF  
THE FAIR LABOR STANDARDS ACT**

**COMES NOW** Plaintiff Tanya Johnson (hereinafter referred to as "Ms. Johnson" or "Plaintiff"), by and through counsel, and for her Complaint against Defendant Randstad General Partner (US) LLC (hereinafter referred to as "Randstad" or "Defendant" and states as follows:

## NATURE OF THE COMPLAINT

1. Ms. Johnson brings a cause of action under federal law, specifically the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*
2. Ms. Johnson brings this action against Randstad General Partner (US) LLC, a Delaware corporation, for failure and refusal to pay her overtime pay for hours worked over forty hours in a work week, in direct violation of the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*
3. Ms. Johnson seeks declaratory relief; overtime pay at time and a half of her normal rate of pay for all overtime work required, suffered, or permitted by Defendant as required under

the FLSA; liquidated and/or other damages as permitted by applicable law; and attorney's fees, costs, and expenses incurred in this action.

5. Defendant's practices and policies are, and have been since at least January 16, 2017, to willfully fail and refuse to pay overtime compensation due and owing to Ms. Johnson and to willfully fail to compensate Ms. Johnson for all hours worked while employed by Defendant.

6. Defendant instituted and carried out an unlawful policy and practice of refusing to pay Ms. Johnson for all time worked and refusing to pay her overtime for all hours worked in any given work week over forty, notwithstanding that she was a non-exempt employee entitled to overtime pay under the FLSA.

7. Since at least January 16, 2017 until December 7, 2019, Ms. Johnson worked overtime hours without proper compensation.

8. Upon information and belief, Defendant continues its illegal practices towards current and existing employees.

### **PARTIES**

9. Ms. Johnson is a resident of Memphis, Shelby County, Tennessee.

10. At all relevant times, Ms. Johnson was an employee of Defendant for FLSA purposes.

11. Defendant Randstad General Partner (US) LLC is a Delaware corporation and may be reached for service through its registered agent, Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312.

12. Defendant was Ms. Johnson's employer at all times pertinent to this complaint.

**FACTUAL BACKGROUND**

13. Defendant employed Ms. Johnson from approximately March 2, 2012 until December 7, 2018.

14. Ms. Johnson was originally hired as a temporary worker.

15. On or about May 2018, Ms. Johnson was given permanent employee status with the title of Site Coordinator.

16. The position of Site Coordinator was and is a non-exempt position under the FLSA.

17. Although Site Coordinator was a non-exempt position, Defendant, with some rare exceptions, did not pay Ms. Johnson for the hours she worked over forty in a work week, contrary to the overtime provisions of the FLSA.

18. Ms. Johnson worked more than forty hours in virtually every week that she worked for Defendant.

**COUNT I**  
**VIOLATION OF THE FAIR LABOR STANDARDS ACT**

19. Ms. Johnson re-alleges and incorporates herein the allegations contained in Paragraphs 1 through 18 as if they were set forth fully herein.

20. Upon information and belief, at all relevant times, Defendant has been, and continues to be, an “employer” engaged in the interstate “commerce” and/or in the production of “goods” for “commerce” within the meaning of the FLSA, 29 U.S.C. § 203.

21. Upon information and belief, at all relevant times, Defendant has employed and/or continues to employ “employee[s],” such as Ms. Johnson.

22. Upon information and belief, at all relevant times, Defendant has had gross operating revenues in excess of \$500,000.

23. The FLSA requires each covered employer, such as Defendant, to compensate all non-exempt employees for all hours worked at an hourly rate and compensate all non-exempt employees at a rate of not less than one and one-half the regular rate of pay for work performed in excess of forty hours in a work week.

24. Ms. Johnson is not, during the entirety of her employment with Defendant, exempt from the right to receive overtime pay or to be paid for all hours worked over forty under the FLSA and was thus entitled to be paid compensation for all hours worked and was entitled to be paid overtime compensation for all overtime hours worked.

25. As a result of Defendant's failure to compensate Ms. Johnson for all hours worked and failure to compensate her at a rate of not less than one and one-half times the regular rate of pay for all work performed in excess of forty hours in a work week, Defendant has violated, and continues to violate, the FLSA, including 29 U.S.C. § 207(a)(1) and § 206(a).

26. The foregoing conduct, as alleged, constitutes a willful violation of the FLSA within the meaning of 29 U.S.C. § 255(a).

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief as follows:

1. A declaratory judgment that the practices complained of herein are unlawful under the FLSA;
2. Pre-Judgment interest, as provided by law;
3. An award of money damages for unpaid wages, including liquidated damages, in an exact amount to be determined at trial;
4. Award of money to Ms. Johnson for costs and expenses of this action incurred herein, including reasonable attorneys' fees and expert fees; and

5. Any and all such other and further legal and equitable relief as this Court deems necessary, just, and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff Tanya Johnson hereby demands a jury trial on all causes of action and claims with respect to which she has a right to jury trial.

Dated: January 16, 2020

Respectfully submitted,

s/Philip Oliphant

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**DECLARATION AND VERIFICATION**

I, Tanya Johnson, verify and declare that the facts stated in the forgoing Verified Complaint for violation of the Fair Labor Standards Act are true to the best of my knowledge and belief, and that the Complaint was not made out of levity or by collusion with Defendant, but in sincerity and truth for the causes mentioned in the Complaint.

*Tanya Johnson*

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Tanya Johnson

01 / 15 / 2020

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Date

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